

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ROSIE PRECIADO,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

CASE NO. 09CV2343 JLS (RBB)

**ORDER (1) ADOPTING REPORT
AND RECOMMENDATION, AND
(2) DENYING PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT**

(ECF Nos. 20, 31)

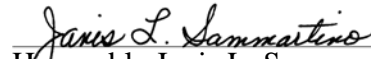
Presently before the Court are Plaintiff Rosie Preciado's ("Plaintiff") motion for summary judgment, (Mot. Summ. J., ECF No. 20), and Magistrate Judge Ruben B. Brooks's report and recommendation ("R&R") recommending that the Court deny Plaintiff's motion, (R&R, ECF No. 31).

Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set forth a district court's duties in connection with a magistrate judge's R&R. The district court must "make a de novo determination of those portions of the report to which objection is made," and "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); *see also United States v. Raddatz*, 447 U.S. 667, 673–76 (1980); *United States v. Remsing*, 874 F.2d 614, 617 (9th Cir. 1989). However, in the absence of timely objection, the Court "need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72 advisory committee's note (citing *Campbell v. U.S. Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974)).

1 Here, Magistrate Judge Brooks directed the parties to file any objections to the R&R on or
2 before December 6, 2011. (R&R 4, ECF No. 31) Plaintiff has failed to timely file objections.¹
3 Having reviewed the R&R, the Court finds that it is thorough, well reasoned, and contains no clear
4 error. Accordingly, the Court hereby **ADOPTS** Magistrate Judge Brooks's R&R and **DENIES**
5 Plaintiff's motion for summary judgment. This Order concludes the litigation in this matter. The
6 Clerk shall close the file.

7 **IT IS SO ORDERED.**

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9 DATED: January 23, 2012

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11 Honorable Janis L. Sammartino
12 United States District Judge
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28 ¹ Indeed, as Magistrate Judge Brooks noted in the R&R, "Plaintiff acknowledges that the Court should deny her Motion for Summary Judgment." (R&R 3, ECF No. 31 (citing Pl.'s Resp. in Opp'n to Def.'s Mot. Summ. J. 1, ECF No. 28))